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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TIFFANY YIP, et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:21-cv-01254-ART-EJY

Consolidated with:
2:21-cv-02149-APG-BNW

**JOINT STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO THE
SECOND AMENDED CONSOLIDATED
COMPLAINT**

(Second Request)

A.M. HAMILTON, et al.,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:22-cv-00374-ART-EJY

1 Plaintiffs Bob McClelland, Jr., et al. (“Plaintiffs”) and Bank of America, N.A. (“BANA,”
 2 and together with Plaintiffs, the “Parties”), by and through their respective counsel, hereby submit
 3 this stipulation for an extension of time for BANA’s forthcoming motion to dismiss the Second
 4 Amended Consolidated Complaint (the “Motion”).

5 **The Parties’ Present Briefing Schedule**

6 WHEREAS, on August 9, 2024, the Court granted in part and denied in part BANA’s
 7 Motion to Dismiss the First Amended Complaint and ordered that Plaintiffs’ Second Amended
 8 Consolidated Complaint (“SACC”) would be due by September 9, 2024, at ECF No. 60.

9 WHEREAS, on November 20, 2024, pursuant to a stipulation by the Parties, the Court
 10 ordered that Plaintiffs’ SACC would be due no later than January 3, 2025, BANA’s Motion
 11 would be due on February 28, 2025, Plaintiffs’ Opposition to the Motion would be due on April
 12 7, 2025, and BANA’s Reply in support of its Motion would be due on April 28, 2025. *See* ECF
 13 Nos. 88, 89.

14 WHEREAS, on December 27, 2024, Plaintiffs filed their Second Amended Consolidated
 15 Complaint, at ECF No. 91.

16 **Good Cause Exists to Modify the Schedule.**

17 WHEREAS, Plaintiffs’ original complaint filed on July 1, 2021 alleged claims against
 18 BANA that were asserted by 122 Plaintiffs. ECF No. 1. After consolidation, Plaintiffs’ First
 19 Amended Consolidated Complaint filed on March 21, 2022 alleged claims on behalf of 224
 20 Plaintiffs. ECF No. 31. The SACC now purports to assert claims on behalf of 158 Plaintiffs.¹
 21 ECF No. 91.

22 WHEREAS, given the commonality of certain of the Plaintiff names, BANA is unable to
 23 identify Plaintiffs’ customer records without additional identifying information. For example,
 24 BANA has records for over 45 DETR accounts with the accountholder name of Ashley Smith,
 25 _____

26 ¹ The SACC purports to assert claims on behalf of Plaintiff Frances V. Prado (¶¶ 369-374) and
 27 Plaintiff Frances Prado (¶¶ 666-671). In response to BANA’s request for clarification, Plaintiffs’
 28 counsel advised on February 13, 2025, that the allegations on behalf of Plaintiff Frances Prado
 (¶¶ 666-671) were included in error.

1 who is a Plaintiff in this action.

2 WHEREAS, on June 17, 2024, BANA requested from Plaintiffs identifying information
3 for 49 Plaintiffs, including, *inter alia*, Rosa Martin and Wes Smith, in order to assist BANA in
4 analyzing the claims set forth in Plaintiffs' Complaint and preparing its response to same.

5 WHEREAS, on November 6, 2024, BANA requested from Plaintiffs identifying
6 information for 49 Plaintiffs, including, *inter alia*, Rosa Martin and Wes Smith.

7 WHEREAS, on November 8, 2024, BANA requested from Plaintiffs identifying
8 information for 28 Plaintiffs, including, *inter alia*, Jennifer Vance and Ryan Charleston.

9 WHEREAS, on January 28, 2025, BANA requested from Plaintiffs identifying
10 information for 7 additional Plaintiffs.

11 WHEREAS, on February 12, 2025, BANA requested from Plaintiffs identifying
12 information for 53 Plaintiffs, including, *inter alia*, Erin Kelly and Kevin Hayes.

13 WHEREAS, on February 19, 2025, BANA again requested from Plaintiffs identifying
14 information for 33 Plaintiffs, including Jennifer Vance, Ashley Smith, Rosa Martin, Wes Smith,
15 Ryan Charleston, Erin Kelly, and Kevin Hayes.

16 WHEREAS, Plaintiffs have been providing identifying information to BANA on a rolling
17 basis.

18 WHEREAS, notwithstanding BANA's diligence, Plaintiffs have not yet provided all of
19 the requested identifying information, and as a result, BANA has been unable to identify
20 approximately 33 Plaintiffs.

21 WHEREAS, Plaintiffs have agreed to continue searching for certain Plaintiffs' identifying
22 information and provide BANA with such identifying information within 30 days of the date of
23 this stipulation.

24 WHEREAS, good cause exists to extend BANA's deadline to respond because BANA
25 needs Plaintiffs' identifying information to analyze the claims set forth in the SACC and prepare
26 its response to same.

27 ///

IT IS HEREBY STIPULATED THAT:

1. Plaintiffs will endeavor to provide the identifying information as requested for all Plaintiffs by no later than March 21, 2025;
2. BANA's Motion to Dismiss the Second Amended Consolidated Complaint shall be due on April 28, 2025;
3. Plaintiffs' Opposition to the Motion shall be due on June 13, 2025; and
4. BANA's Reply in support of the Motion shall be due on July 11, 2025.

Dated: February 20, 2025

Dated: February 20, 2025

By: /s/ Joshua Swigart

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IT IS SO ORDERED.


U.S. MAGISTRATE JUDGE

Attorneys for Defendant Bank of America, N.A.

Date: February 21, 2025